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LACASSE & ASSOCIATES, LLC 1725 DUKE STREET SUITE 650 ALEXANDRIA, VA 22314			JACKSON, ANDRE L	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/768,458

Applicant(s)

KRAFT ET AL.

Examiner

Andre' L. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5-10, 12, 15-17, 19-28, 32 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,810,527 to Conrad et al. Conrad et al discloses a media distribution system and method for increasing the value of services of both advertisers and passengers, the system and method comprising;

electronically (col. 10, lines 10-13) acquiring service channel schedules (advertisements, shows and film) of one or more services providers (44, 46); an event retriever (45), the event retriever generating an event pair which comprises a target value (estimated time of arrival) and an actual value (actual arrival time) associated with a schedule of services (50, 53); a global operations center GOC (42) linked with the event retriever detecting an unexpected change in the schedule (col. 12, lines 16-26); an event observer (43), the event observer receiving the event pair from the event retriever, calculating the difference between the actual and target values and base on one or more rules from a first set of rules (313 col. 5, lines 49-55), identifying an notifying a window of opportunity detector (222) if the passengers are effected (blocked/delayed/inactive) due to the unexpected change in schedule, wherein each potential window of opportunity defines a time period of passenger inactivity; the window of opportunity

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detector, which receives the potential windows of opportunities, detects, based on one or more rules from a set of second rules (col. 11, lines 1-14) stored in rule database (211), if an opportunity exists, and if so, matches and distributes (col. 10, lines 50-53) the detected windows of opportunities from the service providers who will benefit for the purpose of providing a new product or service to the passengers during the period of inactivity (col. 15, lines 25- 44).

As to claim 5 and 23, Conrad et al (col. 6, lines 30-35) discloses that the threshold rule is a set of criteria that govern and determines the variables (difference in target and actual values) associated with the service channel schedules to maximize the advertisers services to the targeted passengers that may likely benefit the most from the specific advertisements.

As to claim 7, 9, 19, 22, 26, 32, Conrad et al discloses that the GOC defines a subscription management service software, wherein the service channel schedules are generated based on subscriptions with service providers and airlines requesting a subscription to sell their advertisements to passengers via the airline (col. 6, lines 42-58 and col. 7, lines 48-58).

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 11, 13, 18, and 29- 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conrad et al. Although Conrad et al discloses that the data transmitted between the major components is encoded data over a number of communication links well

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known within the art including the Internet (col. 10, lines 10-14), Conrad et al does not specifically disclose that this data schema is document type definition (DTD) or extensible markup language (XML). It is well known within the art that the wide spread growth of the Internet has yielded a need to create data expansion driven software designed to present increased user-friendly interfaces (i.e. DTD, XML, WML). Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to include XML or DTD schema within the media distribution system of Conrad et al to provide a system including software offering trouble-free business- to- business practicality.

As to claim 11, Conrad et al discloses that the media distribution system defines an airlines processor (45) for gathering real-time data from an aircraft navigation system, Conrad et al does not disclose that the processor is a web crawler as claimed. However, it is obvious to one having ordinary skill in the art that the operation to retrieve, interpret and execute data obtained from the computer platforms of media distribution systems, achieve the same end result as applicant's web crawler and, since no new or unexpected result is achieved, the processor disclosed by Conrad et al operates equally as well.

### ***Response to Applicant's Arguments***

Applicant's arguments filed in the Amendment of March 25, 2005 have been fully considered but they are not persuasive. At the outset, applicant contends that the prior art relied upon by the Examiner (Conrad et al) fails to meet every limitation recited in the claim based upon applicant's viewpoint. Here, the Examiner believes applicant fails to realize claims are given the broadest reasonable interpretation in light of the specification.

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First, applicant's remarks pertaining to applicant's independent claims 1 and 20 that Conrad et al fails to disclose or suggest an event pair developed by an airline which the Examiners equates to applicant's event retriever, the Examiner clearly uses reference to an airline as a central location linked to a plurality of member aircraft invariably in communication with the aircraft with electronically positioning systems to track or monitor all flight information (arrivals, delays, cancellation, on-time, departures, etc). Thus, an airline as set forth in the Action above retrieves/extracts/acquires/posts from the fleet of aircraft all flight scheduling data to determine/generate an event pair (two items), which the Examiner interprets as an estimated time and an actual time.

Next, applicant states the claimed "event observer" is not disclosed or suggested by Conrad et al. The Examiner interprets a local operations center (LOC) disclosed by Conrad et al as being an event observer. Here, the LOC is linked to the airline and receives data (via a global operation center (GOC) interconnected between the LOC and airline) including flight information (estimated time and actual time) which is modified (calculated) based upon a difference in the estimated and actual time whether how long or how much or what type of content (audio, video, data) is distributed to aircraft according to threshold criteria or rules (route of the flight, alternate routes, weather conditions, signal interruption) that effect the content. As the content is delivered to the aircraft via satellite links from the LOC to the aircraft, the LOC notifies an onboard controller of the aircraft as to what and how much content is to be provided to passengers during a period of inactivity (in-flight). The onboard controller acts as a detector as well as a manager of all the incoming content. As a detector, the onboard controller detects and formulates play-out schedules of content to meet criteria/rules

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(flight origin, date, time, destination, editorial rules). Play-out schedules are created to maximize the value to passengers and to advertisers (windows of opportunity) thus, the play-out schedules matches the needs of the passengers with the desires of the advertisers to tailor to passengers while inactive and to fill requests of advertisers via advertisement slots.

Regarding applicant's remarks on page 18 that Conrad et al fail to disclose or suggest all of the limitations of claim 15 is not persuasive. In particular, applicant states Conrad et al fails to disclose or suggest electronically acquiring service schedules of one or more service providers. Here, the Examiner believes "service providers" are synonymous with advertisers and treated as such. As to service schedules, Conrad et al, as explained above, includes a global operations center (GOC) interfaces with advertisers, the advertisers pay for available content slots, reserve future ad slots and various other ad information in order to increase sells of goods and/or services to passengers on a flight while the passengers are inactive (in-flight). The GOC configures and maintains advertisement schedules from the advertisers, send completed advertisement schedules back to the advertisers for settlement or completeness, then the advertisement schedules are uploaded from the GOC to be distributed accordingly to the local operations center LOC and lastly to the on-board controller. In addition, the process step limitation of "checking if potential customers are blocked", interpreted broadly in view of Conrad et al is simply if passengers are neither boarding the aircraft or exiting the aircraft, thus if the passengers are not moving they are considered inactive.

In response to applicant's remarks that the Examiner fails to address in particular the limitations of claims 2, 6, 8, 10, 12, 16, 17, 21, 24, 25, 27 and 28 are noted, however the Examiner believes the above claim limitations are broad inherent functions of the structure set

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forth in Conrad et al and such an explanation would be obvious. In any event, the Examiner believes Conrad et al meets the limitations of claim 2 because the airline(s) utilizes advertiser information such as, advertiser preference (destination or flight phase) or priority which is maintained as a data log file in an advertiser profile database to assist in the formation of event pair. Claims 6, 8, 24 and 25, the one or more rules from the set of second rules may be provided externally by advertisers, for example, the advertisers may include a service schedule rule prescribing additional control of access of advertisement data/content to extend from an original indicated zone (first class) in the aircraft to one or more additional zones (business class; coach class) stored in data base within the GOC. Claim 10 is described above with the broad interpretation of the airline. Claims 12, 17 and 27, Fig. 1 illustrates a flow chart characterizing a network. As to claim 16, the limitations is a broader re-wording of the limitations set forth in applicant's independent claims 1, 20 and 26 in particular, these limitations are addressed above in this Action. Claim 21 is addressed above in this Action. As to claim 28, the Internet as described by Conrad et al interconnects the system of delivery of data to passengers and posting data is accomplished via hypertext terminal protocol.

As to applicant's arguments pertaining to the rejection of claims 3, 4, 11, 13, 18 and 29-31 as an obvious-type rejection are not persuasive. It is well known in to incorporate a network with various software platforms to communicate, execute and translate data into readable formats that increase efficiency, user-friendly and maintenance-free. Although, Conrad et al does not disclose the specific software and software programs as claimed, the infrastructure of the network between the airlines, aircraft, global and local operations centers and the advertisers are equipped to implement inter-changeable hardware and software as well as additional links in the



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network without departing from the scope of the intended use. Therefore, it becomes obvious to one of ordinary skill that the interface involving the audio, video and data content supplied to the aircraft is multi-dimensional and sufficiently diverse to incorporate the data software and data programs claimed so as to offer an economically-viable broadcast network to passengers by vastly increasing the value of both advertisers and passengers with limitless capability.

For the forgoing reasoning state above, the Examiner believes Conrad et al in a broad interpretation meets the component limitations as claimed. Accordingly, applicant's claims 1-13 and 15-33 remain unpatentable over Conrad et al.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067.


The examiner can normally be reached on Mon. - Fri. (9:30 am - 6 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André L. Jackson  
Patent Examiner  
AU 3677

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PRIMARY EXAMINER